



RCE filed

PTO/SB/30 (09-04)

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# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/074,169
Filing Date	February 12, 2002
First Named Inventor	Carl T. Wittwer
Art Unit	1637
Examiner Name	Jeffrey Norman Fredman
Attorney Docket Number	7475-70049

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 10-0435. I have enclosed a duplicate copy of this sheet.
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 790.00 is \_\_\_\_\_ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<u>Rebecca Ball</u>	Date	October 15, 2004
Name (Print/Type)	Rebecca L. Ball	Registration No.	46,535

### CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<u>Rebecca Ball</u>	Date	October 15, 2004
Name (Print/Type)	Rebecca L. Ball, Reg. No. 46,535	Date	October 15, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

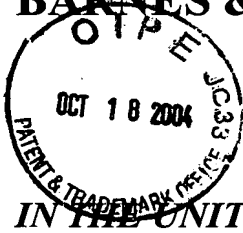
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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# BARNES & THORNBURG



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 1637

Confirmation No.: 5884

Application No.: 10/074,169

Invention: **AUTOMATED ANALYSIS OF  
REAL-TIME NUCLEIC ACID  
AMPLIFICATION**

Applicant: Carl T. Wittwer

Filed: February 12, 2002

Attorney

Docket: 3220-70049

Examiner: Jeffrey Norman Fredman

### Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as a first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on October 15, 2004



(Signature)

Rebecca L. Ball

(Printed Name)

### Letter of Transmittal for RCE

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Applicant is filing a Request for Continued Examination transmitted herewith. An Information Disclosure Statement and a response under 37 C.F.R. § 1.111, transmitted herewith, are also being filed. The Information Disclosure Statement and the Response satisfy the requirement under 37 C.F.R. § 1.114(a) for filing a submission with a Request for Continued Examination and the requirement under 37 C.F.R. § 1.114(c) for filing an outstanding reply to an office action with a Request for Continued Examination. Our check in the amount of \$790.00 under 37 C.F.R. § 1.17(e) for filing the Request for

Continued Examination is also transmitted herewith. The Commissioner has been authorized to charge the Barnes and Thornburg Deposit Account for the fee required with the Information Disclosure Statement.

The Applicant hereby petitions for a one-month extension of time to file this Request for Continued Examination. A check in the amount of \$110.00 in payment of the extension of time fee under 37 C.F.R. § 1.17(a) is transmitted herewith.

The Applicant believes that no additional fees are required. If any additional fees are required, the Assistant Commissioner is hereby authorized to charge the same to the account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to our matter 3220-70049.

### **CONCLUSION**

The claims are in condition for allowance. Applicants respectfully request allowance of the claims, and passage of the application to issuance.

Respectfully submitted,

A handwritten signature in black ink that reads "Rebecca Ball". The signature is written in a cursive, flowing style.

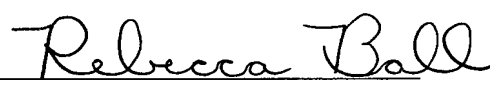
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## ***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

<i>Group:</i>	1637	}	<u>Certificate Under 37 CFR 1.8(a)</u>
<i>Confirmation No.:</i>	5884	}	I hereby certify that this correspondence is being
<i>Application No.:</i>	10/074,169	}	deposited with the United States Postal Service with
<i>Invention:</i>	AUTOMATED ANALYSIS OF REAL-TIME NUCLEIC ACID AMPLIFICATION	}	sufficient postage as first class mail in an envelope
<i>Applicant:</i>	Carl T. Wittwer	}	addressed to Mail Stop RCE, Commissioner for
<i>Filed:</i>	February 12, 2002	}	Patents, P.O. Box 1450, Alexandria, VA 22213-1450
<i>Attorney Docket:</i>	7475-70049	}	on <u>October 15, 2004</u>
<i>Examiner:</i>	J. N. Fredman	}	
		}	(Signature)
		}	<u>Rebecca Ball</u>
		}	(Printed Name)

### **AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed on June 15, 2004, the Applicant respectfully requests entry of the following amendments and consideration of the following remarks. The Applicant hereby petitions for a one-month extension of time to file the Request for Continued Examination submitted herewith and to respond to the June 15, 2004 office action extending the due date for response to October 15, 2004. A check in the amount of \$110.00 in payment of the extension fee under 37 C.F.R. § 1.17(a) is transmitted herewith. The fee for filing the Request for Continued Examination submitted herewith is also enclosed. The Assistant

Commissioner has been authorized to charge the Barnes and Thornburg Deposit Account No. 10-0435 the fee for filing the Information Disclosure Statement. Applicant believes that no additional fees are required with this response. If any additional fees are required, the Assistant Commissioner is hereby authorized to charge those fees to the account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to our matter 7475-70049.